P.R. No. 998/06
Presented by Shri P.K. Tulsiyan
23/2/06

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IN THE HON'BLE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION NO. 2013/2006

PETITIONER :- Baldev Singh son of Ajit Singh, aged about 48 years resident of Gurunank Nagar, Telibandha, Raipur [C.G.].

VERSUS

RESPONDENTS :-
1] The State of Chhattisgarh, Through- The Secretary, Department of Revenue, D.K.S. Bhavan, Raipur [C.G.].

2] The Sub Divisional Officer, Revenue, Raipur [C.G.].

3] Smt. Phoolwati wife of Phaguwa, resident of Telibandha, Tahsil and District Raipur [C.G.].

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WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

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आदेश पत्रक

मामला क्रमांक W.P.No. 2013/06 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

24-4-2006:-

Shri Malay Kumar Bhaduri, counsel for the petitioner.

Shri Sushil Dubey, Govt. Advocate for the State/respondent No.1 and 2.

Heard both the counsel.

By the instant petition, the petitioner seeks to challenge legality, propriety and correctness of the orders dated 29-3-2005 and 12-5-2005 passed by the S.D.O., Revenue, Raipur whereby in the first instance, application of the petitioner herein was rejected which was filed by him for impleading him as party in the appeal filed by respondent No.3 herein aggrieved by the order of Tehsildar dated 4-4-2001 and order dated 12-5--2005 whereby the appeal of respondent No.3 has been allowed on the ground that Tehsildar passed the order dated 4-4-2001 without hearing the respondent No.3 herein.

In all fairness, when the petitioner moved the Tehsildar for correcting the revenue record and accordingly the Tehsildar corrected the record without hearing respondent No.3 herein, then while setting aside the order of Tehsildar dated 4-4-2001, S.D.O. ought to have ordered that after hearing both the parties, Tehsildar to pass order in accordance with law. On the one hand, S.D.O. quashed the order of the Tehsildar dated 4-4-2001 on the ground that same was passed without hearing respondent No.3 herein and on the other hand, without hearing the petitioner herein S.D.O. himself passed the impugned order. Therefore, *prima facie* it is a perverse order and there is patent illegality crept-in in this order. In the circumstances, this order is liable to be quashed, as the order is patently illegal and perverse, same has been passed without hearing the petitioner. At this stage, it is not necessary to issue notice to

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उच्च न्यायालय, छत्तीसगढ़, बिलासपुर 88

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
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respondent No.3 because same will unnecessarily delay the whole process, as ultimately the orders of the S.D.O are to be quashed for the reasons mentioned earlier in this order. Consequently, the orders dated 29-3-2005 and 12-5-2005 passed by the S.D.O. are quashed. The Tehsildar is directed to pass appropriate order regarding correction of the revenue record in respect of disputed land after hearing the petitioner herein as well as respondent No.3 herein.

However, still the respondent No.3 feels aggrieved by this order, then she will be at liberty to move this Court for modification of this order by filing appropriate I.A. before the Court.

With the aforesaid observations, the petition stands disposed of.

Consequently, M.(W.)P. No.1529/2006 also stands disposed of.

Parties are entitled for certified copy of this order.

Sd/-
L.C. Bhadoo
Judge

Barve

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